

PREFACE

This report is designed to satisfy the statutory requirements of **Section (§) 303(d) and the reporting requirements of §§ 305(b) and 314** of the federal Water Pollution Control Act [33 U.S.C. 1288], commonly known as the Clean Water Act (CWA). It also **designed to** serve as a source of basic information on water quality and water pollution control programs in New Mexico. Accordingly, the intended audience includes the general public, interest groups, consultants, state legislators, governmental agencies at ~~S~~state, local, and federal levels, as well as universities and other educational entities.

State and federal agencies, statutes, regulations, and programs are distinctly identified within the various aspects of water pollution control management as required by the context.

Legal Requirements

CWA § 303(d)(2) requires that each State submit to the United States Environmental Protection Agency (USEPA) a listing of water quality limited segments requiring wasteload allocations, load allocations and total maximum daily loads. CWA § 305(b) (1) requires that each State submit a biennial report to the United States Congress through the United States Environmental Protection Agency (~~U~~SEPA). The report is to include the following:

- an assessment of water quality;
- an analysis of the extent to which surface waters provide for protection and propagation of fish, shellfish, and wildlife and recreation in and on the water;
- an overview of progress in water pollution control and recommendations for further action;
- an estimate of the environmental, social, and economic impacts of restoring and maintaining the chemical, physical, and biological integrity of waters within the ~~S~~state; and
- a description of the nature of nonpoint source pollution and of programs for nonpoint source pollution control.

This **integrated** report contains ~~three~~**four** parts. Part I contains the *Executive Summary* and

1 *Recommendations.* The executive summary focuses on water quality and water pollution control
2 management results, highlighting major points made in the report. The recommendations from the New
3 Mexico Water Quality Control Commission are addressed to both the United States Congress and the
4 ~~USEPA~~.

5 Part II, *Surface and Ground Water Quality*, provides a basin-by-basin narrative on current pollution
6 problem areas and efforts to remediate them. This part of the report also outlines the State's concerns of
7 both its ground and surface water resources.

8 The ~~final~~ **third** part of this **integrated** report, *Water Quality Management*, details the work of many
9 agencies within the State entrusted with protecting New Mexico's water resources.

10 **The final part, *Appendices*, contains the tabular information for the State's waterbodies that**
11 **includes the Category 5 reaches which constitute the 2004-2006 State of New Mexico CWA §303(d)**
12 ***List for Assessed River/Stream Reaches Requiring Total Maximum Daily Loads (TMDLs).***

13 **Information Used**

14 This report generally deals with the period from January 2002 through February 2004.

15 **Relevant Federal Regulations**

16 **The guiding sections of the Federal Clean Water Act follow:**

FEDERAL CLEAN WATER ACT ~ SECTION 303:
[Codified into Public Law at U.S Code, Title 33, Chapter 26, Subchapter III, Section 1313]

WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

(d) Identification of areas with insufficient controls; maximum daily load; certain effluent limitations revision

- (1) (A) Each State shall identify those waters within its boundaries for which the effluent limitations required by section 1311(b)(1)(A) and section 1311(b)(1)(B) of this title are not stringent enough to implement any water quality standard applicable to such waters. The State shall establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters.
- (B) Each State shall identify those waters or parts thereof within its boundaries for which controls on thermal discharges under section 1311 of this title are not stringent enough to assure protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife.
- (C) Each State shall establish for the waters identified in paragraph (1)(A) of this subsection, and in accordance with the priority ranking, the total maximum daily load, for those pollutants which the Administrator identifies under section 1314(a)(2) of this title as suitable for such calculation. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality.
- (D) Each State shall estimate for the waters identified in paragraph (1)(B) of this subsection the total maximum daily thermal load required to assure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife. Such estimates shall take into account the normal water temperatures, flow rates, seasonal variations, existing sources of heat input, and the dissipative capacity of the identified waters or parts thereof. Such estimates shall include a calculation of the maximum heat input that can be made into each such part and shall include a margin of safety which takes into account any lack of knowledge concerning the development of thermal water quality criteria for such protection and propagation in the identified waters or parts thereof.
- (2) Each State shall submit to the Administrator from time to time, with the first such submission not later than one hundred and eighty days after the date of publication of the first identification of pollutants under section 1314(a)(2)(D) of this title, for his approval the waters identified and the loads established under paragraphs (1)(A), (1)(B), (1)(C), and (1)(D) of this subsection. The Administrator shall either approve or disapprove such identification and load not later than thirty days after the date of submission. If the Administrator approves such identification and load, such State shall incorporate them into its current plan under subsection (e) of this section. If the Administrator disapproves such identification and load, he shall not later than thirty days after the date of such disapproval identify such waters in such State and establish such loads for such waters as he determines necessary to implement the water quality standards applicable to such waters and upon such identification and establishment the State shall incorporate them into its current plan under subsection (e) of this section.
- (3) For the specific purpose of developing information, each State shall identify all waters within its boundaries which it has not identified under paragraph (1)(A) and (1)(B) of this subsection and estimate for such waters the total maximum daily load with seasonal variations and margins of safety, for those pollutants which the Administrator identifies under section 1314(a)(2) of this title as suitable for such calculation and for thermal discharges, at a level that would assure protection and propagation of a balanced indigenous population of fish, shellfish, and wildlife.

(4) Limitations on revision of certain effluent limitations. -

(A) Standard not attained. -

For waters identified under paragraph (1)(A) where the applicable water quality standard has not yet been attained, any effluent limitation based on a total maximum daily load or other waste load allocation established under this section may be revised only if

- (i) the cumulative effect of all such revised effluent limitations based on such total maximum daily load or waste load allocation will assure the attainment of such water quality standard, or
- (ii) the designated use which is not being attained is removed in accordance with regulations established under this section.

(B) Standard attained. -

For waters identified under paragraph (1)(A) where the quality of such waters equals or exceeds levels necessary to protect the designated use for such waters or otherwise required by applicable water quality standards, any effluent limitation based on a total maximum daily load or other waste load allocation established under this section, or any water quality standard established under this section, or any other permitting standard may be revised only if such revision is subject to and consistent with the antidegradation policy established under this section.

1 [§303(d)(4) added by Public Law 100-4]
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FEDERAL CLEAN WATER ACT ~ SECTION 305:
[Codified into Public Law at U.S Code, Title 33, Chapter 26, Subchapter III, Section 1315]

WATER QUALITY INVENTORY

[State reports on water quality; transmittal to Congress]

Sec. 305. (a) [Omitted] The Administrator, in cooperation with the States and with the assistance of appropriate Federal agencies shall prepare a report to be submitted to the Congress on or before January 1, 1974, which shall—

(1) describe the specific quality, during 1973, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, of all navigable waters and the waters of the contiguous zone;

(2) include an inventory of all point sources of discharge (based on qualitative and quantitative analysis of discharges) of pollutants, into all navigable waters and the waters of the contiguous zone; and

(3) identify specifically those navigable waters, the quality of which—

(A) is adequate to provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allow recreational activities in and on the water;

(B) can reasonably be expected to attain such level by 1977 or 1983; and

(C) can reasonably be expected to attain such level by any later date.

(b) (1) Each State shall prepare and submit to the Administrator by April 1, 1975, and shall bring up to date by April 1, 1976, and biennially thereafter, a report which shall include—

(A) a description of the water quality of all navigable waters in such State during the preceding year, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, correlated with the quality of water required by the objective of this Act [chapter] (as identified by the Administrator pursuant to criteria published under section 304(a) of this Act [1314(a) of this Title]) and the water quality described in subparagraph (B) of this paragraph;

(B) an analysis of the extent to which all navigable waters of such State provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water;

(C) an analysis of the extent to which the elimination of the discharge of pollutants and a level of water quality which provides for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allows recreational activities in and on the water, have been or will be achieved by the requirements of this Act, together with recommendations as to additional action necessary to achieve such objectives and for what waters such additional action is necessary;

(D) an estimate of (i) the environmental impact, (ii) the economic and social costs necessary to achieve the objective of this Act in such State, (iii) the economic and social benefits of such achievement, and (iv) an estimate of the date of such achievement; and

(E) a description of the nature and extent of nonpoint sources of pollutants, and recommendations as to the programs which must be undertaken to control each category of such sources, including an estimate of the costs of implementing such programs.

(2) The Administrator shall transmit such State reports, together with an analysis thereof, to Congress on or before October 1, 1975, and October 1, 1976, and biennially thereafter.